

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRIDGET M. CURRAN, individually, and
as natural Guardian of C.F.C., a minor.

Civ. Act. No.: 13-cv-00289

Plaintiff,

-against-

NOTICE OF MOTION

AETNA LIFE INSURANCE COMPANY,
TRINET GROUP, INC., and THE TRINET
OPEN ACCESS MANAGED CHOICE PLAN,

DOCUMENT
ELECTRONICALLY FILED

Defendants.

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PLEASE TAKE NOTICE that, upon the Declaration of Robert Gallion dated May 7, 2013 and Exhibits “A” thru “C” annexed thereto, the Declaration of Helen Hong dated May 7, 2013 and Exhibit “D” annexed thereto, the Declaration of Michael H. Bernstein dated May 8, 2013 and Exhibit “E” annexed thereto, and the accompanying Memorandum of Law, Defendants by their attorneys, Sedgwick LLP, will move this Court, before the Hon. Kenneth M. Karas, U.S.D.J. at the United States Courthouse, Southern District of New York, located at 300 Quarropas Street, White Plains, NY 10601-4150 at a date and time to be set by this Court, or at any adjourned date and time, for an Order (1) pursuant to FED. R. CIV. P. Rule 12(b)(6) dismissing Plaintiff’s Complaint against Defendants; and (2) pursuant to FED.R.CIV.P. 12(f) and 39(a)(2) striking Plaintiff’s jury demand; and (3) for such other and further relief as this Court may deem just and proper.

Dated: New York, New York
May 8, 2013

Respectfully submitted,
s/

MICHAEL H. BERNSTEIN (MB-0579)
JOHN T. SEYBERT (JS-5014)
RYAN C. CHAPOTEAU (RC-1986)
SEDGWICK LLP
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To:
David J. Squirrell
Banks Curran Schwam and Squirrell, LLP
Attorneys for Plaintiff
61 Smith Avenue
Mount Kisco, NY 10549
(914) 666-2161

CERTIFICATE OF SERVICE

I, RYAN C. CHAPOTEAU, hereby certify and affirm that a true and correct copy of the **NOTICE OF MOTION** attached was served via ECF on this 8th day of May, 2013, upon the following:

David J. Squirrell
Banks Curran Schwam and Squirrell, LLP
Attorneys for Plaintiff
61 Smith Avenue
Mount Kisco, NY 10549
(914) 666-2161

s/_____
RYAN C. CHAPOTEAU (RC 1986)

Dated: New York, New York
May 8, 2013